



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/894,351	10/27/97	REDECKER K	306.35565X00

PM51/0311
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EXAMINER	
MILLER, E	
ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 03/11/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/894,351	Applicant(s) Redecker et al
Examiner Milke	Group Art Unit 3691

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 1 (one) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on _____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-25 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. Applicants' response to the previous requirement was incomplete. Paper No. 7 is hereby incorporated herein by reference and repeated.

2. Initially, applicants' species election is noted as evidently referring to that of Example 2, as on specification page 14, e.g. This being the case, the listing of ingredients on page 2 of applicants' response evidently contains a minor error, reciting potassium nitrate instead of perchlorate as actually found in said Example 2. Confirmation of the election of Example 2 is requested.

3. Further, applicants were required, under the PCT rules, "to elect a plurality of inventions as to one class of invention, such as compositions, or a plurality of classes of invention as to one species."

This applicants did not do. Should applicants again fail to make this choice, this will be regarded as applicants' waiving their right to so elect, and the species of composition will be examined as in the case of US national applications. [This does not waive the statutory requirement to respond to this action.]

4. Applicants' traverse has been noted. It is not persuasive, as it clearly refers to a plurality of classes of invention as to a single product. In the instant situation, this ignores the device or system group of invention [Group III], as well as the fact that Group I does not relate to a single product, e.g. Additionally, evidence may be developed in the examination that shows that the broad concept, e.g., is not patentable, and a common technical feature to properly compel examination of a plurality of classes of invention must be patentable, and broad claim 1 may not be patentable, e.g.

4. This restriction/election requirement is made final.


5. Any inquiry concerning either this or an earlier communication from the Examiner should be directed to Examiner Edward A. Miller at (703) 306-4163.

Examiner Miller may normally be reached daily, except alternate Fridays, from 8:30 AM to 6 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor, Mr. Jordan, can be reached at (703) 306-4159. The Group fax number is (703) 305-7687.

If there is no answer, or for any inquiry of a general nature or relating to the application status, please call the Group receptionist at (703) 308-1113.

Miller/em
March 9, 1999


EDWARD A. MILLER
PATENT EXAMINER

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